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TOKYO
WRITER'S E-MAIL ADDRESS
tvanwaze@sidley.com

(202) 736-8119

WRITER'S DIRECT NUMBER

November 3, 2000

VIA MESSENGER

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

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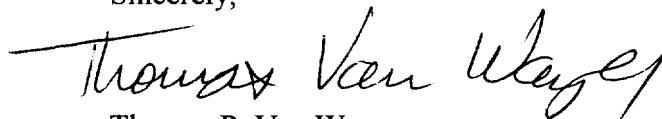
Re: Revised Petition for Reconsideration
Amendment of Section 73.622(b), Table of Allotments
Digital Television Broadcast Stations
MM Docket No. 00-76; RM-9809, DA 00-2205

Dear Ms. Salas:

On behalf of WGN Continental Broadcasting Company, enclosed please find an original plus four copies of a Revised Petition for Reconsideration of the above-referenced order. The Revised Petition corrects citations to the FCC rules applicable to this matter and incorporates various minor editorial changes.

Please direct any questions regarding this matter to the undersigned.

Sincerely,



Thomas P. Van Wazer

Enclosure

cc: Wayne Coy, Counsel for the University of Illinois Board of Trustees (via regular mail)

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REVISED

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations
(Urbana, Illinois)

MM Docket No. 00-76
RM-9809

ORIGINAL

To: The Chief, Video Services Division

PETITION FOR RECONSIDERATION

WGN Continental Broadcasting Company ("WGN"), licensee of commercial television station WGN-TV, NTSC Channel 9, Chicago, Illinois, hereby requests that the Federal Communications Commission ("FCC") reconsider its decision in *Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Urbana, Illinois)*, MM Docket No. 00-76, released October 2, 2000 ("*Urbana Order*"). In that decision, the FCC granted the University of Illinois Board of Trustee's request to substitute DTV Channel *9 for DTV Channel *33 for WILL-TV, Urbana, Illinois. Based on recently available information suggesting that a DTV station will cause co-channel interference to an NTSC station in excess of that predicted by the FCC's OET 69 model, WGN submits that WILL's proposed DTV channel change is no longer in the public interest. Accordingly, WGN requests that the *Urbana Order* be reconsidered and that the underlying NPRM be denied or, at a minimum, held in abeyance until additional information is available regarding the extent of interference this proposal will actually cause to WGN's NTSC service area.

WGN files this Petition for Reconsideration pursuant to 47 C.F.R. § 1.429(a) of the Commission's rules. As demonstrated below, WGN is both adversely affected by the

Commission's decision in this proceeding and has a legally sufficient reason for not participating in this proceeding at an earlier stage.

WGN is adversely affected by the decision of the Commission granting the substitution of WILL-TV's DTV channel from *33 to *9 due to the level of incremental interference such a channel change is likely to cause. According to the materials submitted in support of the WILL's Petition for Rulemaking, WILL-DT's co-channel operations on channel 9 will cause incremental interference to 1.2% of the population (approximately 111,000 viewers) that WGN's NTSC signal is credited with serving under the Commission's rules. *See* Engineering Statement of DL Markey & Associates at 4. In fact, WGN is the station predicted to receive the most incremental interference from WILL's proposed DTV operations on channel 9. *Id.* However, this predicted interference may not be the full extent of the interference WGN's NTSC service area is likely to receive from this proposal.

Recent information available in communications news publications suggests that the FCC's DTV model may underestimate the level of actual interference caused by co-channel DTV stations to NTSC stations. Specifically, LIN Television's WOOD-TV, NTSC Channel 8 in Grand Rapids, apparently received considerably higher levels of incremental interference from the co-channel DTV operations of WMVS-DT in Milwaukee than predicted by OET 69. *See* "LIN Chief Unhappy with Static from DTV," *Electronic Media*, page 8, September 25, 2000 (attached hereto as Exhibit A); "Chapman Says DTV Interference is Worse Than Expected," *Communications Daily*, September 21, 2000 (attached hereto as Exhibit B). According to the *Communications Daily* article, LIN estimates that WOOD-TV "lost 100,000 of its 600,000 viewing households, including some entire cable systems that pick up the station off the air, because of [the] new DTV signal from WMVS (PBS) Milwaukee, which caused unexpected co-

channel interference.” Moreover, these reports indicate that the actual interference apparently exceeded what the FCC’s model predicted: “[w]hat makes the [WOOD-TV] matter especially disturbing, according to LIN TV executives, is that WMVS-TV was operating legally and in a way that should have limited interference to a level below that allowed under Federal Communications Commission rules.” See “LIN Chief Unhappy about DTV Static,” *Electronic Media* at 8.

Based on this recent information and given the relatively high level of interference already predicted to its service area, WGN submits that the *Urbana Order* should be reconsidered and the underlying NPRM denied or, in the alternative, indefinitely suspended until more information is available about the extent of actual interference the proposed operation will cause to WGN’s service area.¹ The recent experience of WOOD-TV suggests that a co-channel DTV signal in the high-VHF band could cause significantly more interference than predicted by OET 69. According to the published reports noted above, WOOD-TV lost close to 17% of its NTSC viewers when WMVS commenced operations on its assigned DTV channel -- an interference level that far exceeds the *de minimis* 2%/10% standard. Given this information, WGN submits that WILL’s requested DTV channel change is no longer in the public interest. This very real prospect of substantial actual interference to WGN’s service area, interference that exceeds the 2%/10% test, belies any suggestion that WILL’s channel change request serves the public interest.

¹ These articles demonstrate that WGN had a legally sufficient reason for not participating in these proceedings at an earlier stage. Pursuant to the Notice of Proposed Rulemaking in this matter, parties had until July 3, 2000 to file comments regarding this proposed channel change. See Notice of Proposed Rulemaking, MM Docket No. 00-76, RM-9809, released May 10, 2000. As noted in the articles cited above, the interference caused by WMVS’s DTV station to WOOD’s NTSC station did not become public until late September 2000. Therefore, these concerns could not have been brought before the Commission earlier and form an appropriate basis for the reconsideration relief requested here by WGN. See 47 C.F.R. § 1.429(b).

WGN submits that reconsideration of the *Urbana Order* is especially appropriate in these circumstances – involving an entirely voluntary channel change proposal supported by nothing other than the predicted cost savings WILL can achieve by operating on a DTV VHF channel rather than a UHF channel. The potential interference to WGN, as illuminated by WOOD-TV's recently publicized experience, distinguishes WILL's request from earlier cases in which the staff approved DTV channel changes. Unlike the University of Illinois, petitioners in those cases presented public interest benefits in support of their DTV channel change requests that went beyond purely financial benefit to the licensee. For example, in *Amendment of Section 73.202(b), Table of Allotments, Digital Television Broadcast Stations (Las Vegas, Nevada)*, 15 FCC Rcd. 11348 (2000), petitioner's proposed substitution of DTV channels was granted based upon a finding that the "net gain in interference-free television service" is in the public interest. Other reasons presented in support of the public interest benefits of changing DTV channel allotments include enhancing viewer acceptance of DTV in the service area, *see Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Baton Rouge, Louisiana)*, MM Docket No. 99-317, released August 3, 2000, and operating on a core channel in lieu of a non-core channel, *see Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Thomasville, Georgia)*, MM Docket No. 00-98, released October 2, 2000. Given the real threat of excessive, harmful interference based on the co-channel VHF interference caused by a new DTV station in Grand Rapids, WGN submits that the public interest, specifically the interests of those viewers potentially facing the loss of WGN service, no longer supports a grant of the WILL NPRM.

In filing this Petition for Reconsideration, WGN emphasizes that its request is directed to the Commission's (and the staff's) discretion under the public interest standard.

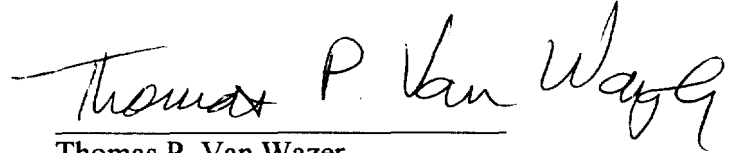
WGN recognizes that in creating the DTV model that essentially doubled the number of stations in a reduced amount of television spectrum, the FCC needed to make a number of difficult decisions and channel assignments. WGN recognizes that the staff will need to preserve its discretion and latitude in order to address interference problems that will inevitably arise from various problematic assignments made in the DTV table. Given the likelihood that real interference issues will arise, WGN submits that the Commission and staff should exercise extreme caution in approving voluntary DTV channel changes under the public interest standard when any serious threat of creating even more interference problems exists. Because the channel change requested by WILL is just such a request, WGN submits that the staff should reconsider the *Urbana Order* and deny the WILL NPRM or, at a minimum, defer action until more information is available about the level of interference that the proposed co-channel DTV operation of WILL will cause to WGN's service area.

Although it has filed this Petition for Reconsideration to protect its rights, WGN is also willing to work with the appropriate representatives of the University of Illinois to explore the level of interference that the proposed co-channel DTV operation is likely to cause. If such an investigation reveals that the actual levels of interference will approximate the levels predicted by the FCC's model, WGN will voluntarily withdraw this Petition. However, until such time as the WOOD experience can be fully explored and then applied to these circumstances, WGN submits that the WILL NPRM is no longer in the public interest.

Based on the foregoing, petitioner WGN Continental Broadcasting Company respectfully requests that the Commission reconsider the *Urbana Order* and deny the WILL NPRM or, at a minimum, defer action on the NPRM until more information is available

regarding the actual levels of interference that the proposed operation of WILL-DT will cause to WGN's service area.

Respectfully submitted,


A handwritten signature in black ink, reading "Thomas P. Van Wazer". The signature is written in a cursive style with a horizontal line underneath the name.

Thomas P. Van Wazer
Jennifer Tatel
SIDLEY & AUSTIN
1722 Eye Street, N.W.
Washington, D.C. 20006
(202) 736-8119

*Attorneys for Petitioner
WGN Continental Broadcasting Company*

November 3, 2000



Source: [All Sources](#) : [Area of Law - By Topic](#) : [Communications](#) : [General News & Information](#) : [Communications News Stories](#) 

Terms: **dtv** , **broadcasters** , **broadcast** , **unexpected** , **interference** , **spectrum** , **wood-tv** , **fcc** , **estimates** , **lin** , **caused** ([Edit Search](#))

Electronic Media September 25, 2000, Monday

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Electronic Media

September 25, 2000, Monday

SECTION: Pg. 8

LENGTH: 483 words

HEADLINE: **LIN** chief unhappy with static from **DTV**

BYLINE: DOUG HALONEN

BODY:

LIN Television's **WOOD-TV** in Grand Rapids, Mich., recently lost access to as many as 100,000 viewers to **interference** after PBS station WMVS-TV in Milwaukee threw the switch on its new digital TV station.

What makes the matter especially disturbing, according to **LIN** TV executives, is that WMVS-TV was operating legally and in a way that should have limited **interference** to a level below that allowed under **Federal Communications Commission** rules.

In a speech to a group of communications attorneys in Washington last week, Gary Chapman, **LIN** TV president and CEO, said WMVS agreed to operate the new digital facility at lower-than-authorized power recently, a move he said had enabled "tens of thousands" of **WOOD** viewers to start getting the NBC affiliate's signal again during the Olympics.

"Right now, we know of no perfect solution, and even imperfect solutions will cost us hundreds of thousands of dollars," Mr. Chapman said.

Mr. Chapman laid the blame on federal policymakers for letting **DTV** design and rollout be spurred more by politics than by technology and good engineering.

For instance, Mr. Chapman said that while the industry recommended using more **spectrum** to spread out the new digital TV facilities, the **FCC** argued for squeezing them into less, a move intended to free up **spectrum** for auctions.

"Both Congress and the (**Federal Communications**) **Commission** have become so obsessed with taking back **broadcast spectrum** and selling it to nonbroadcast users that they have been willing to sacrifice literally millions of **broadcast** viewers," Mr. Chapman said.

Greg Schmidt, **LIN** TV general counsel and vice president of new development, said the potential fixes that **WOOD** has in mind would be to cover the affected area with a low-power TV station operating on a different channel, or to buy a more sophisticated antenna for WMVS.

"Both would cost hundreds of thousands of dollars," Mr. Schmidt said.

Mr. Schmidt also predicted that more similar **interference** conflicts will emerge as digital stations near the larger markets light up over the next couple of years.

"It's really a problem of adjacent markets," Mr. Schmidt said.


Mr. Chapman also said that, as it stands, the **FCC** has predicted that more than 25 million viewers may lose some of their analog channels as **DTV** stations roll out.

"Real people, real consumers, real advertisers, and, yes, even real **broadcast** stations, are going to experience very real pain," Mr. Chapman said. "And this pain will be much worse than it had to be because the federal government is trying to do more than simply make it possible to preserve a universal, free **broadcast** system. It is also trying to generate revenues for the governmental coffers and is openly promoting nonbroadcast uses of the **spectrum** at the expense of **broadcast** stations and their viewers."

At deadline, the **FCC** had no comment.

LANGUAGE: ENGLISH

LOAD-DATE: September 29, 2000

Source: [All Sources](#) : [Area of Law](#) - [By Topic](#) : [Communications](#) : [General News & Information](#) : [Communications News Stories](#) 

Terms: [dtv](#) , [broadcasters](#) , [broadcast](#) , [unexpected](#) , [interference](#) , [spectrum](#) , [wood-tv](#) , [fcc](#) , [estimates](#) , [lin](#) , [caused](#) ([Edit Search](#))

View: Full

Date/Time: Wednesday, November 1, 2000 - 2:03 PM EST

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Exhibit B

Communications Daily, September 21, 2000

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Communications Daily

September 21, 2000, Thursday

SECTION: TODAY'S NEWS

LENGTH: 533 words

HEADLINE: CHAPMAN SAYS **DTV** INTERFERENCE IS WORSE THAN EXPECTED

BODY:

Loss of current TV service because of unexpected interference from **DTV** will become "a national problem," LIN TV CEO Gary Chapman told FCBA lunch Wed. He said experience of LIN's **WOOD**-TV Grand Rapids "is a sharp warning that the losses could be far greater than we anticipated." Chapman, who also is MSTV chmn. and former NAB chmn., attributed unexpected problem to "an artificially accelerated timetable" for **DTV**, driven by "budgetary politics." Computer models used to predict interference would be barely acceptable have been superseded by real-world experience, he said.

Fact that stations around country are being "clobbered" by **DTV** interference indicates FCC estimates that 25 million viewers might lose some existing TV service due to **DTV** interference could be very low, Chapman said: "Real people, lots of them, are starting to lose vital local and network service." He said FCC and Congress "have become so obsessed with taking back broadcast spectrum and selling it to nonbroadcast users that they have been willing to sacrifice literally millions of broadcast viewers."

Broadcasters remain committed to current **DTV** table of allotments, Chapman said, although he called it "not nearly as good as it could be." He said govt. could alleviate problems by imposing **DTV** must-carry and cable compatibility, as well as enforcing All-Channel Receiver Act, which requires all sets to be able to receive all off-air signals.

In case of **WOOD**-TV, station estimates it lost 100,000 of its 600,000 viewing households, including some entire cable systems that pick up station off air, because of new **DTV** signal from WMVS (PBS) Milwaukee, which caused unexpected co-channel interference. WMVS agreed to reduce power temporarily, but permanent fix is likely to cost hundreds of thousands of dollars, Chapman said. LIN officials said possible fixes include paying for new WMVS antenna or building new translator for **WOOD**-TV. Similar situations are appearing elsewhere, one official said: "This is just the beginning."

Govt. is "desperate" to clear Ch. 60-69 for auctions, Chapman said, and public won't understand impact of that decision until "their favorite programming is buried in a blizzard of snow or is not available on their new **DTV** set."

Despite attention on broadcasters' review of 8-VSB standard for **DTV**, Chapman said real goal was to "produce the factual basis for ending the current confusion." He said current review actually should accelerate transition, and broadcasters were doing everything they could to avoid further delays.

DTV is having big negative effect on network-affiliate relations, Chapman said. Those

relations are difficult even in one-channel, one-way world, he said, and "vastly more complicated" in multichannel, 2-way environment. Networks have caused concerns by "draconian" cuts in affiliate compensation, Chapman said, "generating vast reservoirs of ill will and resentment" just when networks should be working toward new partnership with stations: "This is at least part of the reason so many affiliates have jumped so eagerly to... dedicate precious digital spectrum to programmers other than the networks." -- Michael Feazel

LANGUAGE: ENGLISH

LOAD-DATE: September 20, 2000

Source: [All Sources](#) : [Area of Law](#) - [By Topic](#) : [Communications](#) : [General News & Information](#) : [Communications Daily](#) 

Terms: **"wood" and "dtv" and date geq (11/01/1999)** ([Edit Search](#))

View: Full

Date/Time: Wednesday, November 1, 2000 - 2:00 PM EST

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2000, I caused a true and correct copy of the foregoing Petition for Reconsideration to be served on the below listed party by first class mail, postage prepaid, to the following address:

Wayne Coy, Jr.
COHN AND MARKS
Suite 300
1920 N Street N.W.
Washington, D.C. 20036-1622



Jennifer Tatel